

## PATENT

## C. REMARKS

Status of the Claims

Claims 1, 2, 4, 6-9, 11, 13-15, 17, 19-20, 22, and 25 are currently present in the Application, and claims 1, 8, 14, 22, and 25 are independent claims. Claims 1, 8, and 14 have been amended, and claims 5, 12, 18, 21, and 23-24 have been canceled. No claims have been added.

Examiner Interview

Applicants note with appreciation the telephonic interview conducted between Applicants' representative and the Examiner on August 8, 2005. During the telephonic interview, the Examiner and Applicants' representative discussed the limitations included in allowable claims 22 and 25, and that dependent claim 5 included similar limitations. The Examiner reviewed dependent claim 5 and determined that dependent claim 5 is, in fact, allowable if rewritten in independent form. Applicants have rewritten claim 5, along with dependent claims 12 and 18, which are information handling claims and computer program product claims, respectively, in independent form for the purpose of allowability in this response.

Drawings

The Office Action did not indicate whether the formal drawings filed by the Applicants are accepted by the Examiner. Applicants respectfully request that the Examiner indicate whether the drawings filed on January 12, 2004 are accepted by the Examiner in the next communication.

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Allowable Subject Matter

Applicants note with appreciation the allowability of claims 22 and 25 in the Final Office Action mailed July 26, 2005.

Claim Rejections

Claims 1, 2, 4, 6-9, 11, 13-15, 17, and 19-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Turicchi, Jr., et al. (U.S. Patent No. 6,628,994, hereinafter "Turicchi"). Applicants respectfully traverse these rejections.

As discussed with the Examiner, dependent claim 5 included an "adjusting" limitation "in order to meet one or more performance goals," which was the basis for the allowability of claims 22 and 25. The Examiner reviewed dependent claim 5 and determined that dependent claim 5 is, in fact, allowable if rewritten in independent form. As such, Applicants have rewritten dependent claim 5 in independent form by including claim 5's limitations into independent claim 1. Therefore, since claim 1 as amended includes similar limitations that deem claims 22 and 25 allowable, amended claim 1 is allowable for the same reasons as claims 22 and 25 are allowable.

Claim 8 as amended is an information handling claim including similar limitations of amended claim 1 and, therefore, is allowable for at least the same reason as amended claim 1. Claim 14 is a computer program product claim including similar limitations of amended claim 1 and, therefore, is allowable for at least the same reason as amended claim 1.

Each of the remaining claims 1, 2, 4, 6-7, 9, 11, 13, 15, 17, and 19-20 each depend, directly or indirectly, on one of the allowable independent claims 1, 8, and 14. Therefore, claims 1,

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2, 4, 6-7, 9, 11, 13, 15, 17, and 19-20 are also allowable for at least the same reasons that their respective independent claims are allowable.

Claims 21, 23, and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Turicchi. Applicants have canceled these claims and, therefore, these rejections are moot.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By



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